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82D CONGRESS
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SENATE

REPORT
No. 1901

CHU BUD YICK

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 963]

The Committee on the Judiciary, to which was referred the bill (H. R. 963) for the relief of Chu Bud Yick, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Chu Bud Yick. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill was born in China on September 13, 1908, and last entered the United States as a visitor on December 7, 1949. He resided in this country from 1926 to 1931 when he had to return to China. His brother is a United States citizen and a prominent businessman in St. Louis, Mo.

A letter dated September 1, 1950, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to H. R. 7200, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

SEPTEMBER 1, 1950.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
 House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the bill (H. R. 7200) for the relief of Chu Bud Yick.

The bill would direct the Attorney General to record the lawful admission for permanent residence of Chu Bud Yick, as of December 7, 1949, provided he is otherwise admissible under the immigration laws of the United States. It would further direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Chu Bud Yick is a native and citizen of China, having been born in Sunwui, Kwangtung, China, on September 13, 1908. He last entered the United States at the port of San Francisco, Calif., on December 7, 1949, at which time he was admitted as a temporary visitor under section 3 (2) of the Immigration Act of 1924, until June 1, 1950. He has not secured an extension of his temporary admission and is unlawfully in the United States at this time, in that he has remained longer than permitted under the Immigration Act of 1924.

The alien testified that he is the youngest of four children. His brother, Chu Quin, with whom he resides and by whom he is supported, is his only relative in the United States. Mr. Yick attended elementary school and high school in Canton, China. He has had no military service. He stated that he had a small import and export business in China, but since the Communists have gained control, he had lost his business and has no assets in China at this time. The brother, with whom the beneficiary of the instant bill is now residing, operates the Shanghai Restaurant in St. Louis, Mo., which is estimated to be worth \$75,000. Mr. Yick assists his brother in the operation of the restaurant, although he is paid no wages. It appears that his brother is willing to support the alien until such time as his status in this country has been legalized, at which time he has stated that he will turn the restaurant over to him.

The alien stated that he first entered the United States at Seattle, Wash., on January 27, 1926, when he was 13 years of age and was destined to his father, Chu Ki Chong, a merchant then residing in St. Louis, Mo., and that he remained in this country until 1931, when he returned to his home in China. It is noted that in his application for a nonimmigrant visa, Mr. Yick gave information concerning himself contrary to that which he later testified to, in that he formerly had stated that he had never been in the United States, that his home address was in Hong Kong, and that he desired to proceed to the United States for the purpose of business, with the intent of remaining in this country 6 months.

The Chinese racial quota, to which Mr. Yick is chargeable, is oversubscribed and a quota immigration visa is not readily obtainable. The record presents no facts, however, that would justify granting him an exemption from the requirements of the immigration laws. In recent years many aliens have entered the United States as temporary visitors and thereafter endeavor to remain permanently. The enactment of special legislation in Mr. Yick's behalf would undoubtedly encourage others, in whose cases immigration visas are not readily obtainable, to seek exemption from the general immigration laws.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Congressman Thomas B. Curtis, the author of the bill, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and submitted the following affidavits in connection with the bill:

AFFIDAVIT

STATE OF MISSOURI,
City of St. Louis, ss:

Chu Bud Yick, residing with his brother, Chu Quinn, at 6314 Delmar Avenue, St. Louis, Mo., being by me first duly sworn, upon his oath makes the following statement to wit:

That he was born in China some 41 years ago, and that he first entered the United States on or about the 31st day of December 1925, at the age of 16, at

Seattle, Wash.; that his certificate of identity No. 4555-11-2 was signed by the immigration officer in charge at Seattle, Wash.; that said certificate stated that the affiant had a scar on his upper center forehead near the edge of his hair, a faint scar on outer side of left forearm, and small brown spot on bridge of his nose.

The affiant further states that upon his arrival in the United States at Seattle, Wash., he came to St. Louis, Mo., to reside with his father, Chu Ki Chung, a merchant, at 16 South Eighth Street.

Affiant further states that upon his arrival in St. Louis, Mo., he attended school and later operated a restaurant for himself at 235 Collinsville Avenue, East St. Louis, Ill., under the name of the Mandarin Cafe; the affiant further states that on or about January of 1931 he departed from the United States for a visit to China, sailing from Seattle, Wash.

The affiant further states that at all times he had desired to return to the United States to resume his residence here, but due to disturbed conditions etc., in China he was not able to do so; that he last entered the United States at San Francisco, Calif., on December 7, 1949, under section 3 (2) of the Immigration Act of 1924 as a temporary visitor and that he came to St. Louis, Mo., to visit his brother, Chu Quinn, who operates the Shanghai Cafe at 6314 Delmar; that his brother, Chu Quinn, is a citizen of the United States, having been naturalized in the United States Court, Eastern District of Missouri, at St. Louis, Mo., on November 8, 1947, petition No. 40964, certificate No. 6187154; that his brother, Chu Quinn, is the owner of the Shanghai Cafe and other real estate and personal property to the approximate value of \$125,000, as submitted by him to the Judiciary Committee of the House of Representatives in an affidavit (copy of which I am attaching to this, my affidavit) in January 1950 in support of the bill H. R. 7200 of the Eighty-first Congress for my relief, that if the said bill becomes a law my brother has agreed to take me in business with him to operate the Shanghai Cafe.

The affiant further states that he considers that he had an unrelinquished domicile in the United States at the time he left for a visit to China in 1931, and that his protracted stay in China was caused by justifiable reasons over which he had little or no control and for which he was not responsible.

The affiant further states that he desires to remain in the United States and to become an American citizen; that he was lawfully admitted to the United States December 31, 1925, for permanent resident as the son of his father, Chu Ki Chung, a merchant, and that he departed from the United States in 1931, with the intention of returning to permanently reside in the United States.

The affiant prays that the said bill H. R. 7200, Eighty-first Congress, will receive the favorable consideration of the honorable Judiciary Committee of the House of Representatives.

Chu Bud Yick.
KHU BUD YICK.

Submitted and sworn to before me, a notary public of the city of St. Louis and the State of Missouri this 4th day of October 1950.

[SEAL]

CLEMENTINE BRITTON,

Notary Public for the County of St. Louis, which adjoins the city of St. Louis, Mo.

My commission expires April 27, 1954.

AFFIDAVIT

STATE OF MISSOURI,

City of St. Louis, ss:

Chu Quinn, residing at 434 Melville Avenue, in the county of St. Louis, State of Missouri, states that he is 50 years of age, born in China; that he is a citizen of the United States, having been naturalized in the United States Court, Eastern District of Missouri, at St. Louis, Mo., on November 8, 1947, petition No. 40964, certificate No. 6187154; that he is married and has a wife and three children residing with him at St. Louis, Mo.; that his children consist of one son, Chu Wah Chu, 31 years of age and who was honorably discharged from the United States Army Air Force in the Second World War; two daughters, Rose Chu, 23 years of age, and Peggy Chu, 16 years of age, born in the United States.

Affiant states that he is in business in St. Louis, being the owner and manager of a business known as the Shanghai Cafe, located at 6314 Delmar Avenue and which is a Chinese and American restaurant; that he has operated same for some

15 years, and that he is the owner of the building, 6314 Delmar Avenue, where the Shanghai Restaurant is located, in which he has invested about \$50,000.

Affiant further states that he is also the owner of a residence in the county of St. Louis, Mo., located at 434 Melville Avenue in which he has invested about \$20,000; that he is also the owner of personal property other than stated above, consisting of cash in the First National Bank of the city of St. Louis (savings account) in the sum of \$756.68; in the Delmar Bank of University City, Mo. (checking account) about \$7,000; the Industrial Bank of St. Louis, Mo. (savings account), the sum of \$6,371.74; that he is the owner of United States bonds in the amount of \$15,000 (in safe deposit box First National Bank in St. Louis, Mo.), and in addition to the bonds he has corporation stocks in the current value of about \$45,000.

Affiant makes the above statement because he desires to and does act as sponsor for his brother, Chu Bud Yick, who last arrived in the United States on December 7, 1949, on a business permit and who desires to become a permanent resident of the United States.

Affiant further states that the said Chu Bud Yick first came to the United States on or about the 31st day of December 1925, at the age of 16 years to attend school and to reside with the father, Chu Ki Chung, who was in business as a merchant in the city of St. Louis, Mo. at 16 South Eighth Street; that the said Chu Bud Yick arrived in the United States on the U. S. S. *President Jackson* on December 31, 1925, and he entered the United States as per his certificate of identity on the 29th day of January 1926; that the number of his certificate of identity is 4555-11-2; that said certificate of identity was signed by the immigration officer in charge at Seattle, Wash.; that said certificate showed scar upon center forehead edge of hair, faint scar outer side left forearm, and small brown spot on bridge of nose.

Affiant further states that his brother, Chu Bud Yick, attended school in the United States and later he went into business and operated a restaurant under the name of the Mandarin Cafe at 235 Collinsville Avenue, East St. Louis, Ill.

Affiant further states that on or about January 1931, his said brother, Chu Bud Yick, left the United States for a visit to China, sailing from Seattle, Wash.; that his brother did not ask for or receive a return certificate, it being his belief that his brother did not think it was necessary to apply for same; that when his brother, the said Chu Bud Yick, arrived in China, he was about 22 years of age and that when he returned last to the United States he was 41 years of age.

Affiant further states that his brother, Chu Bud Yick, now desires to make his permanent home in and to become a citizen of the United States and to continue his business activities in which he was engaged before he returned to China.

Affiant further states that he is anxious to have his brother, Chu Bud Yick, remain in the United States and the city of St. Louis, Mo.; that he, the affiant, is financially able and guarantees that his brother will have ample means and opportunity to continue in business for himself or with him, the affiant; that whatever money is needed by said brother for purpose indicated, he will supply same.

Affiant further states that his brother, Chu Bud Yick, was previously, December 31, 1926, admitted lawfully into the United States for permanent residence as the son of his father, a merchant, Chu Kai Chung; that his brother, the said Chu Bud Yick, departed the United States as above stated with the intention of returning to reside in the United States.

Affiant further states that his brother, Chu Bud Yick, had an unrelinquished domicile in the United States at the time he left here in 1931 for China; that his brother was residing with him in the city of St. Louis and that his residence and home is still open to his brother to reside with him, the affiant.

Affiant further states that his brother's protracted stay in China was in his judgment caused by justifiable reasons over which his brother had little or no control and for which he was not responsible.

Affiant encloses herewith certificates of First National Bank in the city of St. Louis, Mo., Delmar Bank in the county of St. Louis, and the Industrial Bank of St. Louis, Mo., showing his accounts with said institutions amount to some \$14,128.42.

Also enclosed is a statement from the vice president of the First National Bank, East St. Louis, Ill., certifying to the fact that the said Chu Bud Yick, was in business in East St. Louis, Ill., on or about the years 1927 and 1928.

Also statement from G. S. Miller, principal of the Madison Public School stating that Chu Bud Yick was a student in said school during the year 1926.

Affiant, being duly sworn upon his oath, states that the above and foregoing statements are true and correct to the best of his knowledge and belief.

CHU QUINN.

Subscribed and sworn to before me, a notary public in and for the city and State above named, this 30th day of January 1950.

[SEAL]

MARGARET M. SWANSON,

Notary Public in and for the County of St. Louis, Mo., adjoining the City of St. Louis, Mo.

My commission expires August 5, 1953.

AFFIDAVIT

STATE OF MISSOURI,

City of St. Louis, ss:

Leonidas C. Dyer, attorney at law, 1520 Chemical Building, St. Louis, Mo., being duly sworn, states that he is a citizen of the United States by birth, that he knows Chu Quinn, who is long a resident of the city of St. Louis, Mo., and that he knows that the said Chu Quinn is a man of splendid character and reputation in all respects; that he has read the affidavit this day signed and executed by the said Chu Quinn in connection with the desire of his brother, Chu Bud Yick, to return to the United States; that in his judgment the facts stated in the affidavit by the said Chu Quinn are true and correct.

Affiant further states that he makes this statement of a long acquaintance and knowledge of the life and character of the said Chu Quinn, as a friend.

LEONIDAS C. DYER.

Subscribed and sworn to this 30th day of January 1950, before me, a notary public.

[SEAL]

MARGARET M. SWANSON,

Notary Public in and for the County of St. Louis, Mo., adjoining the City of St. Louis, Mo.

My commission expires August 5, 1953.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 963) should be enacted.

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